

**UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND**

|  |   |                                   |
|--|---|-----------------------------------|
| <b>WEBSTER BANK, NATIONAL<br/>ASSOCIATION,</b> | ) |                                   |
| <b>Plaintiff,</b>                              | ) |                                   |
|  | ) |                                   |
| <b>v.</b>                                      | ) | <b>C.A. 1:22-cv-00194-JJM-PAS</b> |
|  | ) |                                   |
| <b>JUDITH POMPEI-SMITH,</b>                    | ) |                                   |
| <b>Defendants.</b>                             | ) |                                   |
|  | ) |                                   |

**MOTION TO DISMISS COUNTERCLAIMS**

NOW COMES Webster Bank, National Association, through its attorneys, who respectfully requests that this Honorable Court dismiss the Counterclaims asserted by the defendant, Judith Pompei-Smith, pursuant to Federal Rule of Civil Procedure 12(b)(6). For reasons therefore, the plaintiff states that the defendant has no right to bring an action pursuant the Real Estate Settlement Procedures Act because said Act does not provide a private right of action for excessive escrow demands and because neither the Fair Credit Reporting Act nor the Servicemembers' Civil Relief Act prohibit the actions alleged to have been taken by the plaintiff. The plaintiff further relies upon the Memorandum submitted herewith.

Respectfully submitted,  
WEBSTER BANK, NATIONAL ASSOCIATION,  
By its attorneys,

*/s/ Brian J. Hughes*

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Dated: August 10, 2022

CERTIFICATE OF SERVICE

I, Brian J. Hughes, hereby certify that on August 10, 2022, I served a copy of the above document by causing the same to be electronically mailed through the ECM/CF system.

/s/      *Brian J. Hughes*

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Brian J. Hughes